

Considered: \_\_\_\_\_

WATER PERMIT NO. 5625-3

Phone: 796-4129

Name of Applicant: White's Drive In

Post Office Address: Rt 1, Box 795, Woonsocket SD 57385

Amount of Water Claimed: 0.022 cfs 10 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Sanborn

About 2 1/2 miles east of Woonsocket

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C/.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 2-14-92 Fee: \$50.00 Remarks \_\_\_\_\_

Corrected Application Received 2-25-92 Period of Annual Use May 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point: NE 1/4 NW 1/4 Sec 30-T107N-R61W

Land to be Irrigated: \_\_\_\_\_

|  |  |    |  |  |  |
|--|--|----|--|--|--|
|  |  | ①  |  |  |  |
|  |  |    |  |  |  |
|  |  | 30 |  |  |  |
|  |  |    |  |  |  |
|  |  |    |  |  |  |

Well Log: Driller: Hinker Drilling Licensed YES X NO \_\_\_\_\_

Depth of Well: 150' REMARKS \_\_\_\_\_

Type of Map: aerial PREPARED BY: Gordon Ferguson, CED Reviewed and the Number

Assigned on 2-25-92 By Karen Schlaak

Mail to: Water Rights Div.  
523 E. Capitol  
Pierre, SD 57501  
(605) 773-3352

No. 5625-3 Hydrologic Unit 10160011  
Map No. \_\_\_\_\_ Basin James River  
Newspaper Woonsocket News, Box 218 (Thus)  
796-4221

# Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐  
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Residential ☐  
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐  
☐ Amend Permit No. \_\_\_\_\_ with old priority date retained  
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ \_\_\_\_\_  
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_  
☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_

- Name of Applicant White's Drive In Phone No. \_\_\_\_\_  
Post Office Address Rt 1 Box 795 Woonsocket State SD 57385  
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s.) 10 gals per min (0.022 cfs)
- Source of water supply Woods
- Location of point of diversion ~~Quarter 107-64~~  
NE 1/4 NW 1/4 Sec 30-T107N-R61W  
County Grand
- Counties where water will be used \_\_\_\_\_
- Annual period during which water is to be used 1 - 30
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)  
County of \_\_\_\_\_)

I, Michael J. White the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Michael J. White

Subscribed and sworn to before me this 7 day of February 19 92

Alfred Druse

Notary Public

Expires 1-19-95

**SOUTH DAKOTA  
WATER PERMIT No. 5625-3**

Date of first receipt of application February 14, 1992.

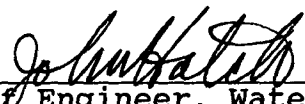
Date of return to applicant for corrections, amendments or changes  
February 18, 1992.

Date of receipt of corrected application February 25, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5625-3 to White's Drive In, Rt 1, Box 795, Woonsocket SD 57385 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

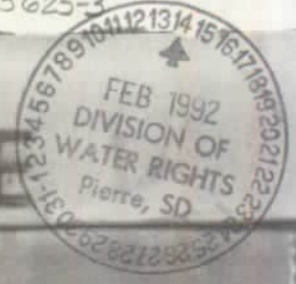
1. Water Permit No. 5625-3 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one well 150 feet deep (Niobrara Formation) located in the NE 1/4 NW 1/4 Section 30-T107N-R61W.
2. The water appropriated shall be used for the purpose of supplying water to the Drive In and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: May 1 - September 30.
4. The date of approval of Permit No. 5625-3 is June 3, 1992.
5. The date from which applicant may claim right is February 14, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**WATER MANAGEMENT BOARD**

By:   
Chief Engineer, Water Rights Division  
Department of Environment and Natural Resources

AUG 6 1992  
date

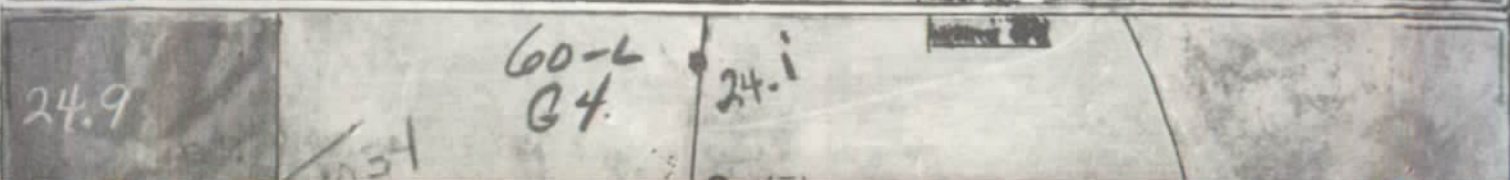
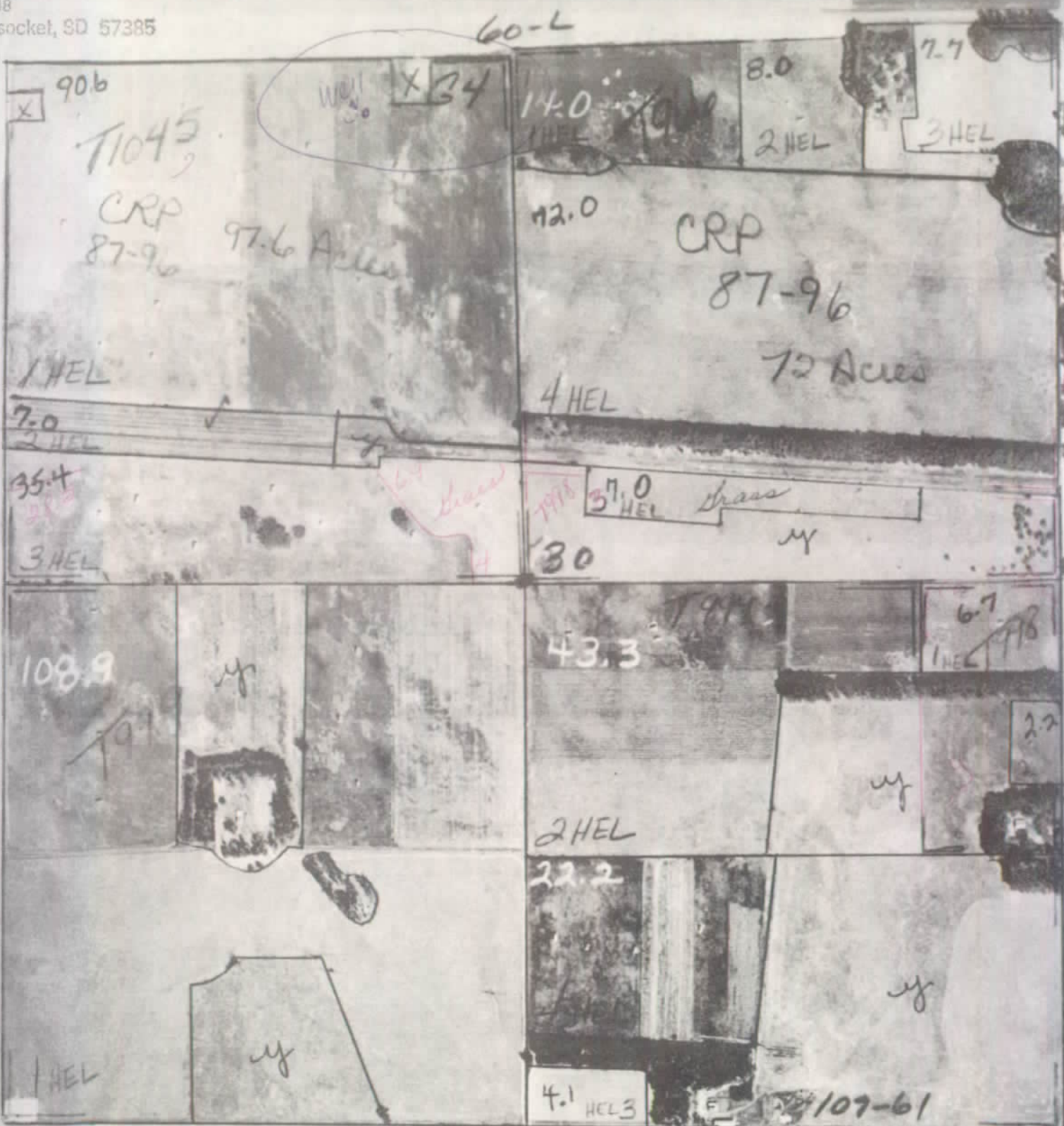
5625-3



NOT TO SCALE

*Sanborn & Bergman CED*

SANBORN COUNTY ASCS OFFICE  
POB 248  
Woonsocket, SD 57385



## Supplemental Information

(type or print in ink)



## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 3/4" Depth 150'
- b) Casing Type PVC Diameter 4" Thickness 125'
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth to Water (ground surface to water level) \_\_\_\_\_
- g) Distance to nearest existing domestic well:
- On applicants property \_\_\_\_\_ On property owned by others 500 ft.

## 2. Dugout Information Estimates

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

\_\_\_\_\_  
\_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_  
If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway width \_\_\_\_\_

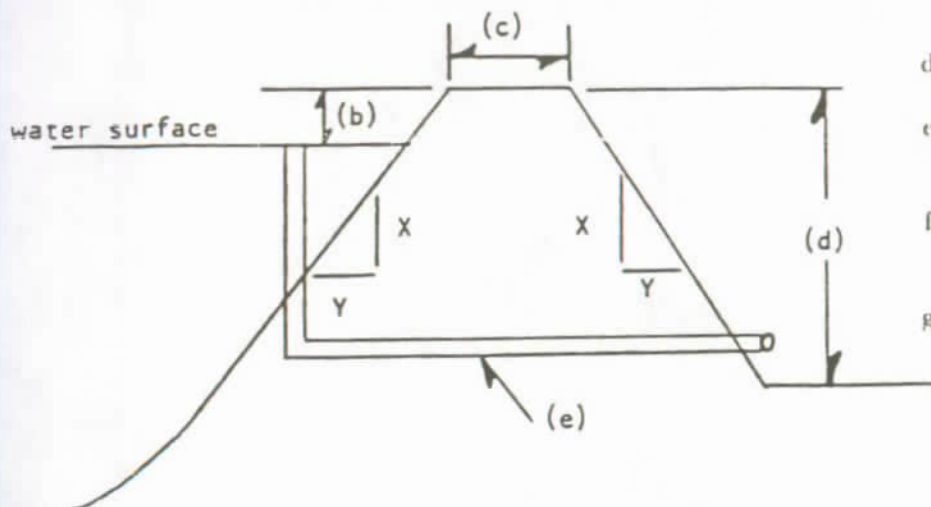
g) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

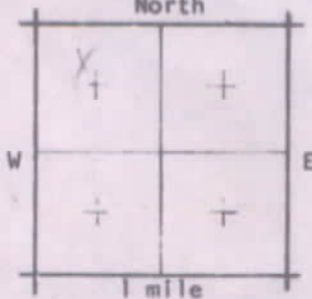
Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_



## STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location North  $\frac{1}{2}$  Sec 30 Twp 51N Rg 10WCounty Saskatoon107  
NorthPlease mark well  
location with  
an "X"Well Completion Date 6-21-83

## PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes  
☐ Irrigation ☐ Industrial ☐ Stock

## Method of Drilling:

Rotary

## WELL CONSTRUCTION:

Diameter of hole 6 3/4 inches Depth 120 feetCasing: ☐ Steel ☒ Plastic ☐ Other  
Specify \_\_\_\_\_Pipe Weight Diameter From To  
200 lb/ft 4 inches 0 feet 125 feet  
\_\_\_\_\_ lb/ft \_\_\_\_\_ inches \_\_\_\_\_ feet \_\_\_\_\_ feetWas a well screen used? ☐ Yes ☒ No

If Not Specify \_\_\_\_\_

Screen Type \_\_\_\_\_ Slot Size \_\_\_\_\_

Length \_\_\_\_\_ Diameter \_\_\_\_\_

Was Casing left open end? ☒ Yes ☐ NoWas a Packer or seal used? ☐ Yes ☒ No

If so what material? \_\_\_\_\_

Was well gravel packed? ☐ Yes ☒ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure groutTo what depth? 125 feetWhat was grouting material? cementIf cement, how many sacks? 5Location of packer(s) and screen or perforated  
pipe \_\_\_\_\_WAS WELL PLUGGED OR ABANDONED? ☐ Yes ☒ No  
If so how and with what material? \_\_\_\_\_

## Well Owner:

Name John WhiteAddress Woonsocket

Well Log:

Depth

Formation

From

To

clay0117sand117125Chalk Stone125150STATIC WATER LEVEL 10 Feet

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ inch pipe

Controlled by ☐ Valve ☐ Reducer's ☐ Other

If other; specify \_\_\_\_\_

Can well be completely shut off? \_\_\_\_\_

## WELL TEST DATA:

☒ Pumped☐ BailedDescribe: Air☐ Other \_\_\_\_\_

## Pumping Level Below Land Surface

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

## Remarks:

This well was drilled under license # 30

and this report is true and accurate.

Drilling Firm John WhiteSigned by John WhiteDate 11-10-8311-10-83

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413070

Pierre, February 18, 1992

RECEIVED OF White's Drive In, Rt 1, Box 795, Woonsocket, SD 57385

the following amount in fees for services rendered as provided for by law:

|                                                                                                                       |    |    |
|-----------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit No. 5625-3 to Appropriate Water, to construct works and to put water to beneficial use | 50 | 00 |
| Fee for Application for Permit No. to Appropriate Water for Future Use                                                |    |    |
| Fee to retain Future Use Permit No. after period of seven years.                                                      |    |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.                         |    |    |
| Fee for Filing Transfer Form                                                                                          |    |    |
| Fee for Filing Extension Request                                                                                      |    |    |
| Fee for Certified Copy of                                                                                             |    |    |
| Fee for Print Copy of Map                                                                                             |    |    |
| Fee for Certifying                                                                                                    |    |    |
| Fee for                                                                                                               |    |    |
| (Any Other Work Provided by Law)                                                                                      |    |    |
| Total                                                                                                                 | 50 | 00 |

By John M. Tol CF  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 18, 1992

White's Drive In  
c/o Micheal J. White  
Rt 1, Box 795  
Woonsocket SD 57385

Dear Mr. White:

In regard to your water permit application received on February 14, 1992, the following information needs to be clarified in order to process the application.

Please complete Item Nos. 1 & 2 on the application. On Item No. 2, the amount of water claimed, this amount can be in gallons per minute.

On Item No. 4, the location of the point of diversion (where the well is located) is listed as Section 6-T107N-R61E. The aerial photo submitted shows the location of the well as being in the NE 1/4 NW 1/4 Section 30-T107N-R61E. One of the two locations is incorrect. Please make the necessary changes.

Also enclosed is a copy of a well completion report submitted by Hinker Drilling. This report states a well was drilled for John White located in the NW 1/4 Section 6-T107N-R61W. Is this the same well as indicated on the aerial photo as being in Section 30? *Yes, the completion form should have read Section 30 - T107N - R61W*

Please clarify the above, and further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Natural Resources Analyst  
605 773-3352

enclosures

REPORT ON APPLICATION NO. 5625-3  
for White's Drive In  
April 3, 1992

Application No. 5625-3 proposes to appropriate 10 gpm (0.022 cfs) from one well approximately 150 feet deep located in the NE 1/4 NW 1/4 of section 30, T107N R61W in Sanborn County. The water is for commercial use at the Drive In.

AQUIFER - NIOBRARA FORMATION (NBRR)

The Niobrara Formation is described as gray to white marl which averages about 40 feet in thickness and can be as much as 80 feet thick (Steece, 1965). The Niobrara is confined and under artesian conditions. The Niobrara is probably hydraulically connected to the Floyd East James and to the Warren East James aquifers (glacial outwash) at least over some of the area. The driller's log submitted with the application indicates that the Niobrara was encountered from a depth of 125 feet to 150 feet below land surface. The well had a static water level 10 feet below land surface.

The Division of Water Rights monitors an observation well SA-67E which is completed into the Niobrara aquifer and located about 2 miles northeast of this application. Water levels for this well do not fluctuate very much. There has been very little change over the period of record. The aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

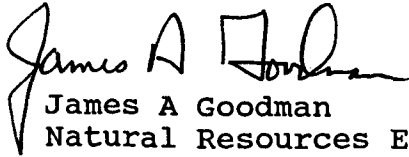
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights in this area which obtain water from the Niobrara Formation. Interference will not be a concern.

CONCLUSIONS

1. Water is available from the Niobrara Formation.
2. The Niobrara Formation is under confined (artesian) conditions.
3. Interference will not be a problem. This is an existing well and has been used for these purposes for many years. Also the application is for only 10 gpm and there are no other nearby water permits/rights.

4. The completion report indicates that the well was grouted with cement but not enough information is available to determine if this well is constructed to meet existing well construction standards.



James A Goodman  
Natural Resources Engineer

#### BIBLIOGRAPHY

Steece, F.V., L. Howells, 1965, Geology and Ground-Water Supplies in Sanborn County, South Dakota, Bulletin 17, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1992, Unpublished, Observation Well Records for Sanborn County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5626-3, White's Drive In

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5625-3, White's Drive In, c/o Michael White, Rt 1 Box 795, Woonsocket, SD 57385.

The Chief Engineer is recommending APPROVAL of Application No. 5625-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.



JOHN HATCH, Chief Engineer  
April 13, 1992



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT  
THE NEWSPAPER RIGHT AWAY.

April 28, 1992

Michael White  
Rt 1 Box 795  
Woonsocket, SD 57385

Dear Mr. White:

Water Permit Application No. 5625-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Woonsocket News printed at Woonsocket, SD (Ph # 796-4221). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

April 28, 1992

Woonsocket News  
Box 218  
Woonsocket, SD 57385

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5625-3 to be published twice. Please publish the first notice on May 7, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is White's Drive In, Rt 1 Box 795, Woonsocket, SD 57385 (Ph # 796-4129).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

*Eric Gronlund*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to  
Appropriate Water by Application No. \_\_\_\_\_ which was first published in our issue  
of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper - Publish first Notice on May 7, 1992, with the second publication 7 days later. The applicant is responsible for payment.

-----

NOTICE OF HEARING on Application No. 5625-3 to Appropriate Water

Notice is given that White's Drive In, Rt 1 Box 795, Woonsocket, SD 57385 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well 150 feet deep (Niobrara Formation) located in the NE 1/4 NW 1/4 Section 30-T107N-R61W. The water is for commercial use at the Drive In.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5625-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 26, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5625-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 3, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 3, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 26, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

# **PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )  
 ) ss.  
 County Sanborn )

I, Gerald W. Klaas

certify that the attached printed Notice was taken

from the Woonsocket News

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Woonsocket News

                     of Woonsocket

County of Sanborn and State of South Dakota;  
 that the said notice was published in said newspaper on the following two dates:

May 7, 1992

May 14, 1992

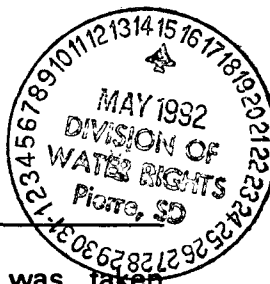
Gerald W. Klaas  
 (Signature)

                      
 Publisher  
 (Title)

May 14, 1992

(Date Signed)

Cost of Printing: \$62.15



## **NOTICE OF HEARING on Application No. 5625-3 To Appropriate Water**

Notice is given that White's Drive In, Rt. 1 Box 795, Woonsocket, SD 57385 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well 150 feet deep (Niobrara Formation) located in the NE 1/4 NW 1/4 Section 30-T107N-R61W. The water is for commercial use at the Drive In.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5625-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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For purposes of publishing 1) the notice of hearing on Application No. 5625-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 3, 1992 hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 3, 1992 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 26, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. W33-2t

Drill Date: 6-21-83

Sec. 6 NW $\frac{1}{4}$ , Silver Creek TWP.  
107-61

Well Size: 4" PVC

Water Level: 10 ft.

Well depth: 150 ft.



This is the well information  
I received from the guy  
that drilled the well!

**REPORT ON INSPECTION OF PERMIT NO. 5625-3**

**DATE OF INSPECTION: 7-24-96**

Other permit(s) associated with the project: none

NAME & ADDRESS OF INSPECTION CONTACT: Michael White, Rt. 1 Box 795, Woonsocket, SD 57385

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same

**DIVERSION POINT LEGAL LOCATION: 165' South and 1914' east of the NW corner Section 30, T107N, R61W in the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Section 30.**

**WELL INFORMATION:**

- 1) Well Drilling Firm: Hinker
- 2) No. of Wells 1
- 3) Depth(s) 150 feet
- 4) Well log is available yes

**Casing:**

- 1) Diameter 4 inches
- 2) Length 125 feet
- 3) Type pvc

**Screen:**

- 1) Type pvc
- 2) Length 25 feet
- 3) Static water level 10 feet

**Pump:**

- 1) Make Redjacket
- 2) Model 0343125
- 3) Size #
- 4) Capacity 10 GPM

**Motor:**

- 1) Make Redjacket
- 2) Model No. #
- 3) Horsepower rating  $\frac{1}{2}$  hp

**DISTRIBUTION LINES OR CANALS:**

- 1) Type plastic
- 2) Size 1 inches
- 3) Length 45 feet

**PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

**Permit No. 5625-3**  
**James River - Water District**

**Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 7-24-96 made a thorough examination of the water use system constructed by White's Drive In of Rt. 1 Box 795, Woonsocket, SD 57385 holder of Permit No. 5625-3, bearing the priority of February 14, 1992 authorizing the diversion of 0.022 cu. ft. per second of the waters of Niobrara Formation for commercial purposes, in Sanborn County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One well 150 feet deep with 125 feet of 4 inch pvc casing and 25 feet of pvc screen. Redjacket pump and motor with a 10 gpm capacity and  $\frac{1}{2}$  hp.

B. Works used to transport water to place of use:

One inch plastic line to building, approximately 45 feet.

C. Works used to apply water to beneficial use:

Commercial use at a drive - in restaurant.

The system is in the following condition good. The point of diversion is located 165 feet south and 1914 feet east of the NW corner Section 30, T107N, R61W in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 30. The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial purposes.

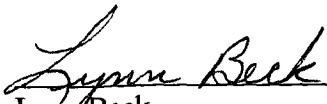
Water has been put to beneficial use to the maximum extent as follows:

Water supply for White's Drive-In.

The license should be issued for 0.022 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

  
\_\_\_\_\_  
Lynn Beck

Natural Resources Engineer  
DENR, Water Rights Program

829-96  
\_\_\_\_\_  
Date

NOT TO SCALE



*Burton S. Bergman* CED

SANBORN COUNTY ASCS OFFICE  
POB 248  
Voonsocket, SD 57385



Prepared by:  
*Lynn Beck*  
Lynn Beck  
Natural Resource Engineer  
DNR, Water Rights Program  
7-29-96  
1 HEL

**STATE OF SOUTH DAKOTA**

**WATER LICENSE NO. 5625-3**

---

(1) White's Drive In, Rt 1 Box 795, Woonsocket SD 57385 made Application No. 5625-3, February 14, 1992 for a water permit to divert 0.022 cubic feet of water per second from groundwater (one well), Sanborn County, South Dakota for commercial use purposes. Permit No. 5625-3, with a priority date of February 14, 1992 was approved June 3, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is 165 feet south and 1,914 feet east of the northwest corner of Section 30-T107N-R61W (NE 1/4 NW 1/4)

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 White's Drive In, Rt 1 Box 795, Woonsocket SD 57385 the holder and/or owner of Water Permit No. 5625-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from groundwater (one well) with a priority date of February 14, 1992 from the location specified in (2) of this license, for commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5625-3 and subject to South Dakota State Law.

  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

DEC 26 1996

\_\_\_\_\_  
date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

AUG 6 1992

Micheal J White  
White's Drive In  
Rt 1 Box 795  
Woonsocket, SD 57385

Dear Mr. White:

Enclosed is Water Permit No. 5625-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

September 13, 1996

5625-3

Michael White  
White's Drive In  
Rt 1, Box 795  
Woonsocket, SD 57385

Dear Mr. White:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5625-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:**  
**Department of Environment & Natural Resources**  
**Water Rights Program**  
**523 E. Capitol**  
**Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Program  
(605) 773-3352

**NOTE:** On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

November 19, 1996

**SECOND NOTICE**  
**Permit No. 5625-3**

**NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT**

Michael White  
White's Drive In  
Rt 1, Box 795  
Woonsocket, SD 57385

Dear Mr. White:

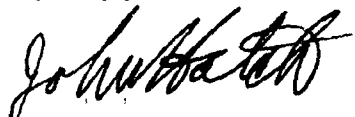
On September 13, 1996, you were notified the final inspection fee of \$50.00 is due before Water License No. 5625-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

**Please remit fee to:**  
**Department of Environment & Natural Resources**  
**Water Rights Program**  
**523 E. Capitol**  
**Pierre, SD 57501-3181**

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

  
**JOHN HATCH, Chief Engineer**  
**Water Rights Program**  
**(605) 773-3352**

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5625-3

Michael White  
White's Drive In  
Rt 1, Box 795  
Woonsocket, SD 57385

4a. Article Number

P 378 080 534

4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11-22-96

5. Received By: (Print Name)

Barbara White

6. Signature: (Addressee or Agent)

X Barbara White

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

# RECEIPT

415192

## Division of Water Rights

### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ November 27 \_\_\_\_\_, 19 96

RECEIVED OF White's Drive In, Rt 1 Box 795, Moonsocket SD 57385

the following amount in fees for services rendered as provided for by law:

|                                                                                                                      |       |       |
|----------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____                                  |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                               |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5625-3</u>          |       | 50 00 |
| Fee for Filing Transfer Form _____                                                                                   |       |       |
| Fee for Filing Extension Request _____                                                                               |       |       |
| Fee for _____                                                                                                        |       |       |
| _____                                                                                                                |       |       |
| _____                                                                                                                |       |       |
| (Any Other Work Provided by Law)                                                                                     | Total | 50 00 |

By John Hatch  
Chief Engineer JOHN HATCH KS



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

DEC 26 1996

5625-3

Michael White  
White's Drive In  
Rt 1, Box 795  
Woonsocket, SD 57385

Dear Mr. White:

Enclosed is Water License No. 5625-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415192 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5625-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Program  
(605) 773-3352

ks  
enclosures